

REMARKS

Claims 1-46 are now presented for examination. Claims 47-54 have been cancelled without prejudice and without disclaimer of subject matter. Claims 1-46 have been amended. No new matter has been added.

Claims 1, 2, 7, 8 and 31 are independent.

On page 3 of the Office Action, dependant Claims 32-46 were objected to for use of the term "A" before "method". Since these claims depend, either directly or indirectly, from independent Claim 31, the term "The" has been substituted for the term "A", as suggested by the Examiner.

On page 3 of the Office Action, the Examiner points out that in Claim 1, the merchant has already determined the rebate, and that the phrase beginning with "calculating and deducting in the central clearinghouse rebates . . ." is ambiguous. Claim 1 has been amended to address the apparent ambiguity.

On page 3 of the Office Action, the Examiner points out an inconsistency in Claim 38 regarding the step of forwarding the calculated and deducted rebates. Claim 38 has been amended to resolve the apparent inconsistency.

On page 4 of the Office Action, the Examiner suggests that, in Claim 4, the term "non-profit body" should be replaced with "organization" or "affiliated organization". Applicant respectfully disagrees with the Examiner suggestion. Claim 2 identifies an organization. Claim 4 is merely identifying the organization as a nonprofit body.

On page 4 of the Office Action, the Examiner points out that Applicant does not indicate where in the specification support for the language of Claims 48-54 can be found. Applicant has

cancelled these claims without disclaimer of subject matter, although the canceling of these claims should not be construed as an agreement, on the part of the Applicant, that there is insufficient support in the specification for the cited language.

On page 5 of the Office Action, Claims 1-46 and 48-54 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,466,919 to Hovakimian, in view of an article entitled "Flowers as a Double Gift" ("Flowers"). Applicant respectfully disagrees with this rejection.

The claims, as they are currently presented, include features not disclosed or suggested by either of the cited references. Claim 1 has been amended to specifically recite "an "independently supported" clearinghouse component that is "not associated with or controlled by the nonprofit component, the supporter component or the merchant component".

In Hovakimian, network transaction processor 40 receives and analyzes purchase information from merchant processor 30 in order to determine the presence of a bank expedited charity (BAX) donation [Hovakimian, col. 3, lines 12-13]. Processor 40 is not an "independently supported clearinghouse" as is recited in amended Claim 1, but is instead a "card-issuing organization network transaction processor" [Hovakimian, col. 3, lines 10-11]. The central clearinghouse in the present application as claimed, is independent and not affiliated with any of the other components. Support for the amended language can be found throughout the Applicant's application, including, for example, paragraphs [0005] and [0015].

Hovakimian does not disclose an independently supported central clearinghouse component that is *not* associated or controlled by any of the other components. Instead, it includes a processor 40 that is controlled by the "card-issuing organization", which the

Examiner, in the past, has equated with the “merchant”. Therefore, Hovakimian cannot, either alone or in combination with “Flowers”, represent 35 U.S.C. § 103 prior art.

In addition to lacking this claimed element, Hovakimian also fails to disclose steps performed by the central clearinghouse component as now recited in amended Claim 1. Claim 1 recites a central clearinghouse component which receives an individual identification number (ID) for each of the one or more supporters and the amount spent by a supporter at the merchant. The clearinghouse component records the amount of rebate available from the merchant and forwards to an account of a nonprofit selected by the supporter, the calculated rebates. Thus, as recited in Claim 1, the central clearinghouse component *both* receives the supporter identification numbers *and* forwards the calculated rebate to the account of a nonprofit selected by the supporter. Further, it is the merchant that determines the amount of the rebate.

Hovakimian discloses a completely different arrangement. *All* transaction information (including user-identifiable information) must first go to network transaction processor 40. Information relating to non-BAX transactions goes to processor 50, while BAX card transaction data 70 goes to BAX Center Processor 80. It is BAX Center Processor 80 that interrogates data bank 90 to obtain charity information (which organization receives the rebate) and determines the charity amount.

Thus, in Hovakimian, there is no central clearinghouse component (a single processing entity) that *both* receives the supporter ID information *and* forwards the rebate to a selected organization account. Instead, network transaction processor 40 receives the ID information, and BAX Center Processor 80 obtains the charity information via its interrogation with data bank 90. Processor 40 cannot forward rebates to a supporter-selected organization since it does not

interface with data bank 90 and therefore has no knowledge of any charity information (i.e., the supporter-selected organizations). Further, Claim 1 recites that “a determination [is made ] by said merchant of the amount of rebate available from said merchant”. In Hovakimian, BAX Center Processor 80 determines the amount of the rebate, not the merchant.

Because Hovakimian and Flowers, either alone or in combination, do not each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with respect to Claims 1 and 2, which include the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection with respect to these claims. Claims 3-6 and 28-30 are each dependent either directly or indirectly from independent Claim 2 as discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claim 7 includes the step of “determining, at the time of the transaction, if the transaction involves a rebate to one or more of the one or more organizations”. Because Applicant’s invention provides a transaction card that already includes information relating to the supporter’s nonprofit organization selection, it is determined, at the time of the transaction, if the transaction involves a rebate. A computer clearinghouse dedicated to processing transactions related to nonprofit donations, receives information related to the transaction. By contrast, it is the network transaction processor 40 of Hovakimian that determines if the transaction involves a charity donation (at which time, the transaction information is forwarded to processor 80). This determination is made *after* the transaction, and not *during* the transaction.

Because Hovakimian and Flowers, either alone or in combination, do not each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with respect to Claim 7, which includes the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection with respect to these claims.

Claims 8 and 31 include the identical limitations relating to the central clearinghouse component as discussed above with respect to Claim 1. Therefore, Claims 8 and 31 are believed allowable. Claims 9-27, 32-46 are each dependent either directly or indirectly from either independent Claim 8 or independent Claim 31 as discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

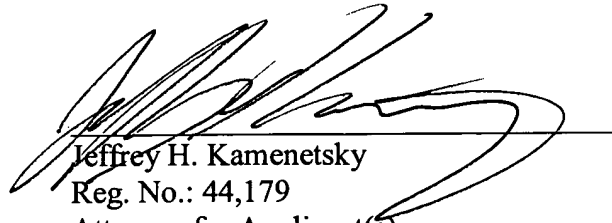
For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-46 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

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The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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